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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,672	10/16/2001	Jason Lango	020564-000500US	6627
20350	7590	09/13/2004	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			VERBRUGGE, KEVIN	
			ART UNIT	PAPER NUMBER
			2188	

DATE MAILED: 09/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/981,672

Applicant(s)

LANGO ET AL.

Examiner

Kevin Verbrugge

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 is/are allowed.
- 6) ☒ Claim(s) 15, 16, 18 and 20 is/are rejected.
- 7) ☒ Claim(s) 17 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities:

On page 1, line 7, the serial number of the related case is missing.

On page 1, lines 8 and 9, the attorney docket number and client reference number should be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 15, 16, 18, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,505,169 to Bhagavath et al.

Regarding claim 15, Bhagavath discloses the claimed method for operating a streaming media cache.

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Specifically, he shows a streaming media cache server 121 in Fig. 1 which receives a series of streaming media data packets from an upstream server, streaming multimedia server 101, as claimed. Although he doesn't mention it explicitly, it is clear that his streaming media data packets have media data encoded in one of a plurality of encoding formats since all streaming media data packets have media data encoded in one of a plurality of encoding formats. All media data is encoded by its very nature: it has been received in one format (visible light, audible sound, etc.) and encoded in an analog and/or digital signal to enable transmission and storage of the information.

Bhagavath teaches the claimed bundle forming step since he teaches that files stored in his streaming media cache server 121 are requested by various customers using customer computers 107 and are served by the streaming media cache server. Clearly multiple files are stored in streaming media cache server 121 at the same time, and individual files are served to individual customer computers at a given time, which is a clear teaching of "packet bundling" as claimed so that all the packets of a given file stored in the streaming media cache server 121 can be provided to the customer at the appropriate time. The claimed bundle forming is anticipated by the standard file management procedures of the streaming media cache server 121 which manages incoming packets of media data by grouping them into files.

Finally, Bhagavath's streaming media cache server performs the claimed storing step since it stores the data packets on the disk memory of the server until they are needed by the customer computers 107. The claim limitation where each bundle has a

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similar encoding format is anticipated by the case where all incoming data packets have the same encoding format and are grouped into separate files (bundles).

Bhagavath further describes his streaming media cache server in Fig. 6 and column 3, line 28 through column 4, line 38.

Regarding claim 16, Bhagavath does not mention the encoding formats used in his device, however, his device clearly uses at least one encoding format since his media data is clearly encoded, as discussed above, and that encoding format has some parameters, such as those claimed.

Regarding claim 18, Bhagavath's silence to the contrary is evidence that his data packets all have identical encoding formats.

Regarding claim 20, absent evidence to the contrary, it is presumed that Bhagavath's bundles (files) are directly accessible by a file system in his streaming media cache server.

Allowable Subject Matter

Claims 1-14 are allowed.

Claims 17 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

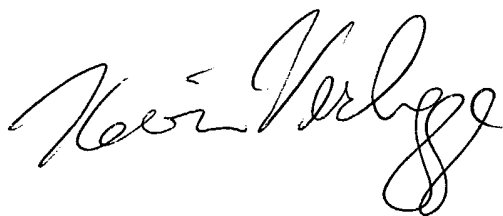
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Conclusion

Any inquiry concerning a communication from the Examiner should be directed to the Examiner by phone at (703) 308-6663 before 10/14/04 and at (571) 272-4214 after 10/14/04.

Any response to this action should be labeled appropriately (serial number, Art Unit 2188, and After-Final, Official, or Draft) and mailed to Commissioner for Patents, Washington, D.C. 20231 or faxed to (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

A handwritten signature in black ink, appearing to read "Kevin Verbrugge". The signature is stylized with a large, looped "K" and a cursive "Verbrugge".

Kevin Verbrugge
Primary Examiner
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